

1 **WEST VALLEY CITY, UTAH**

2 **ORDINANCE NO. 14-19**

3 Draft Date: 3/17/2014, 04/02/2014

4 Date Adopted: 04/15/2014

5 Date Effective: 04/26/2014

6 **AN ORDINANCE ENACTING SECTIONS 7-2-132 AND 23-3-**
7 **107 AND AMENDING SECTIONS 7-1-103, 23-1-102, 23-2-102,**
8 **23-5-106, 23-5-110, 23-6-106, AND 23-7-101 OF THE WEST**
9 **VALLEY CITY MUNICIPAL CODE TO AMEND CITY**
10 **ORDINANCES GOVERNING ANIMALS.**

11 **WHEREAS**, Title 7 and Title 23 of the West Valley City Municipal Code govern the
12 ownership of animals within the City; and

13 **WHEREAS**, the City Council desires to clarify the regulations governing animal
14 ownership; and

15 **WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is
16 in the best interests of the health, safety, and welfare of the citizens of West Valley City to
17 amend Sections 7-1-103 and 23-1-102 of the West Valley City Municipal Code;

18 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City,
19 Utah, as follows:

20 **Section 1. Repealer.** Any provision of the West Valley City Municipal Code found
21 to be in conflict with this Ordinance is hereby repealed.

22 **Section 2. Enactment.** Sections 7-2-132 and 23-3-107 are hereby enacted as
23 follows:

24
25 **7-2-132. HOUSEHOLD PETS.**

26
27 (1) The following terms, when used in this Section, shall have the following meaning:

28 a. “Amphibian” means any cold blooded vertebrate of the class Amphibia, such as
29 frogs, toads, newts, or salamanders.

30 b. “Animal” means any of a kingdom of living being typically differing from plants
31 in capacity for spontaneous movement and rapid motor response to stimulation.

- c. "Arachnid" means any wingless, carnivorous arthropod of the class Arachnida, including spiders and scorpions.
- d. "Bird" means any warm blooded vertebrate of the class Aves, such as a cockatiel, parakeet, or canary.
- e. "Cat" means a domesticated cat of the species *Felis catus*.
- f. "Chicken" means a domestic fowl of the species *Gallus domesticus*.
- g. "Dog" means a domesticated dog of the species *Canis familiaris*.
- h. "Duck" means a domesticated web-footed swimming bird of the family Anatidae, characterized by a broad, flat bill, short legs, and depressed body.
- i. "Ferret" means a domesticated variety of the European Polecat.
- j. "Fish" means any cold-blooded, aquatic vertebrate having gills and a body covered with scales.
- k. "Hedgehog" means a domesticated hedgehog of the species *Atelerix albiventris*, including the African pygmy hedgehog.
- l. "Insect" means any animal of the class Insecta, such as a cricket or grasshopper.
- m. "Pot-Bellied Pig" means a Vietnamese or Chinese pot-bellied pig, spayed or neutered, and kept as a household pet, not for livestock or food purposes. Pot-bellied pigs must be less than 150 pounds, and any tusks must either be removed or kept trimmed.
- n. "Rabbit" means a rodent-like burrowing mammal of the family Leporidae.
- o. "Reptile" means any cold blooded vertebrate of the class Reptilia, such as a turtle or lizard.
- p. "Rodent" means an animal of the order Rodentia, such as a hamster or mouse.

(2) Subject to the restrictions of this Section, the following animals may be kept as

Household Pets:

- a. Amphibians;
- b. Arachnids;
- c. Birds;
- d. Cats;
- e. Female chickens;
- f. Dogs;

- g. Ducks;
- h. Ferrets;
- i. Fish;
- j. Hedgehogs;
- k. Insects;
- l. Pot-Bellied pigs;
- m. Rabbits;
- n. Reptiles; and
- o. Rodents.

(3) Only animals listed in subsection (2) above may be kept as Household Pets.

Notwithstanding subsection (2) above, no animal prohibited by federal, state, or local law may be kept as a Household Pet. Notwithstanding subsection (2) above, no poisonous or venomous animal may be kept as a Household Pet.

(4) Notwithstanding subsection (2) above, roosters and crowing hens may not be kept as Household Pets.

(5) Household Pets shall be limited to no more than four animals per address, including no more than two cats, no more than two dogs, and no more than two pot-bellied pigs. Kittens and puppies as defined in Section 23-1-102 do not count toward these limits.

(6) All Household Pets shall be maintained, controlled, and cared for as required by federal, state, and local law, including but not limited to the provisions of the West Valley City Municipal Code regarding animal nuisances as set forth in Section 23-5-101.

(7) The provisions of this Section may be enforced as set forth in Title 10, including but not limited to the exercise of the authority set forth in Section 10-1-302. Civil penalties for violation of this Section are set forth in Section 1-2-113.

23-3-107. HOUSEHOLD PETS.

(1) The following terms, when used in this Section, shall have the following meaning:

- a. "Amphibian" means any cold blooded vertebrate of the class Amphibia, such as frogs, toads, newts, or salamanders.

- b. "Animal" means any of a kingdom of living being typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.
- c. "Arachnid" means any wingless, carnivorous arthropod of the class Arachnida, including spiders and scorpions.
- d. "Bird" means any warm blooded vertebrate of the class Aves, such as a cockatiel, parakeet, or canary.
- e. "Cat" means a domesticated cat of the species *Felis catus*.
- f. "Chicken" means a domestic fowl of the species *Gallus domesticus*.
- g. "Dog" means a domesticated dog of the species *Canis familiaris*.
- h. "Duck" means a domesticated web-footed swimming bird of the family Anatidae, characterized by a broad, flat bill, short legs, and depressed body.
- i. "Ferret" means a domesticated variety of the European Polecat.
- j. "Fish" means any cold-blooded, aquatic vertebrate having gills and a body covered with scales.
- k. "Hedgehog" means a domesticated hedgehog of the species *Atelerix albiventris*, including the African pygmy hedgehog.
- l. "Insect" means any animal of the class Insecta, such as a cricket or grasshopper.
- m. "Pot-Bellied Pig" means a Vietnamese or Chinese pot-bellied pig, spayed or neutered, and kept as a household pet, not for livestock or food purposes. Pot-bellied pigs must be less than 150 pounds, and any tusks must either be removed or kept trimmed.
- n. "Rabbit" means a rodent-like burrowing mammal of the family Leporidae.
- o. "Reptile" means any cold blooded vertebrate of the class Reptilia, such as a turtle or lizard.
- p. "Rodent" means an animal of the order Rodentia, such as a hamster or mouse.
- (2) Subject to the restrictions of this Section, the following animals may be kept as Household Pets:
- a. Amphibians;
 - b. Arachnids;
 - c. Birds;
 - d. Cats;

- e. Female chickens;
- f. Dogs;
- g. Ducks;
- h. Ferrets;
- i. Fish;
- j. Hedgehogs;
- k. Insects;
- l. Pot-Bellied pigs;
- m. Rabbits;
- n. Reptiles; and
- o. Rodents.

(3) Only animals listed in subsection (2) above may be kept as Household Pets.

Notwithstanding subsection (2) above, no animal prohibited by federal, state, or local law may be kept as a Household Pet. Notwithstanding subsection (2) above, no poisonous or venomous animal may be kept as a Household Pet.

(4) Notwithstanding subsection (2) above, roosters and crowing hens may not be kept as Household Pets.

(5) Household Pets shall be limited to no more than four animals per address, including no more than two cats, no more than two dogs, and no more than two pot-bellied pigs. Kittens and puppies as defined in Section 23-1-102 do not count toward these limits.

(6) All Household Pets shall be maintained, controlled, and cared for as required by federal, state, and local law, including but not limited to the provisions of the West Valley City Municipal Code regarding animal nuisances as set forth in Section 23-5-101.

(7) The provisions of this Section may be enforced as set forth in Title 10, including but not limited to the exercise of the authority set forth in Section 10-1-302. Civil penalties for violation of this Section are set forth in Section 1-2-113.

Section 3. Amendment. Sections 7-1-103, 23-1-102, 23-2-102, 23-5-110, and 23-6-106 are hereby amended as follows:

7-1-103. DEFINITIONS.

(11) "Animal" means any of a kingdom of living being typically differing from plants

in capacity for spontaneous movement and rapid motor response to stimulation.

~~(103) "Household Pets" means animals and/or fowl ordinarily permitted in the house and kept for company or pleasure such as dogs, cats, rabbits and/or canaries, including not more than two dogs or two cats over six months in age and not more than a total of four animals. Household pets do not include inherently or potentially dangerous animals, fowls or reptiles.~~

(103) "Household Pet" has the meaning set forth in Section 7-2-132 and Section 23-3-107.

23-1-102. DEFINITIONS.

(2) Animal means any of a kingdom of living being typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.

~~(2)~~ (3) Animal At Large means any domesticated animal, whether or not licensed, not under restraint as defined below.

~~(3)~~ (4) Animal Boarding Establishment means any establishment that takes in animals for boarding for profit.

~~(4)~~ (5) Animal Control Administrator means the Animal Control Administrator of the West Valley City Community Preservation Department.

~~(5)~~ (6) Animal Control Division means the Animal Control Division of the West Valley City Community Preservation Department.

~~(6)~~ (7) Animal Grooming Parlor means any establishment maintained for the purpose of offering cosmetological services for animals for profit.

~~(7)~~ (8) Animal Shelter means a facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah under Section 76-9-302, U.C.A., 1953 as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.

~~(8)~~ (9) Animal Subject to Licensing means a cat, dog, ferret, or pot-bellied pig.

~~(9)~~ (10) Animal Under Restraint means any animal under the control of its owner or person having charge, care, custody, or control; except that a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

~~(10)~~ (11) Bite means an actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

~~(11)~~ (12) Cat means any age feline of the domesticated types of at least four months of age. Any feline of the domesticated types under four months of age is a kitten.

~~(12)~~ (13) Cattery means an establishment for boarding, breeding, buying, grooming, or selling cats for profit.

~~(13)~~ (14) Dog means any canis familiaris over of at least four months of age. Any canis familiaris under four months of age is a puppy.

~~(14)~~ (15) Domesticated Animals means animals accustomed to live in or about the habitation of man, including, but not limited to, cats, dogs, fowl, horses, swine, and goats.

~~(15)~~ (16) Enclosure means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog.

~~(16)~~ (17) Ferret means a ferret not protected by the Utah Division of Wildlife Resources, bred and sold as a domesticated household pet. Domesticated ferrets must be spayed or neutered.

~~(17)~~ (18) Guard Dog means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a lease leash or under absolute control while working, so it cannot come into contact with the public.

~~(18)~~ (19) Health Department means the Salt Lake City/County Health Department.

~~(19)~~ (20) Holding Facility means any household pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facilities used for holding animals.

(21) Household Pet has the meaning set forth in Section 7-2-132 and Section 23-3-107.

~~(20)~~ (22) Impound means taken into the possession and custody of an animal control agency, law enforcement agency, or an agent thereof.

~~(21) Kennel means an establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling, except where such establishment shall be licensed as having Sportsman's privileges as provided in Chapter 7 herein.~~

(23) Kennel means any place where 3 or more animals over six months of age are kept for the primary purpose of sale or for the boarding, care, or breeding of which a fee is charged or paid.

~~(22)~~ (24) Leash or Lead means any chain, rope, or device used to restrain an animal.

~~(23)~~ (25) Person means a natural person or any legal entity, including, but not limited to, a corporation, firm, partnership, or trust.

~~(24) — Pet means a domesticated animal kept for pleasure rather than utility, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment, including ferrets and pot-bellied pigs.~~

~~(25)~~ (26) Pet Shop means any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other household pets for sale are kept or displayed.

~~(26)~~ (27) Pot-Bellied Pig means a Vietnamese or Chinese pot-bellied pig, spayed or neutered, and kept as a household pet, not for livestock or food purposes. Pot-bellied pigs must be less than 150 pounds, and any tusks must either be removed or kept trimmed.

~~(27)~~ (28) Provoked means any deliberate act by a person towards a dog or any other animal done with the intent to tease, torment, abuse, assault, or otherwise cause a reaction by the dog or other animal; provided, however, that any act by a person done with the intent to discourage or prevent a dog or other animal from attacking shall not be considered to be a provocation.

~~(28)~~ (29) Quarantine means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

~~(29)~~ (30) Riding School or Stable means an establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule, or burro, or which offers such animals for hire.

~~(30)~~ (31) Shelter means a structure which is substantial in construction and provides protection from moisture, wind and other factors of weather, and is of a size appropriate to

the particular animal to ensure retention of body heat within the enclosure. Any shelter will be maintained to ensure a clean, dry, healthy environment for the animal being housed.

Under this Title, **a shelter ensuring Retention of body heat means is a shelter which is of a size sufficient to ensure adequate warmth for the animal, but which is large enough to allow the the ability of the animal to enter a shelter and be able to easily stand up, sit down, turn around, lie down, and make all normal bodily movements,**

~~(31)~~ **(32)** Stray means any animal at large, as defined herein.

~~(32)~~ **(33)** Tether means any chain, rope, cable, or device attached to a fixed object and used for restraining a dog. The tether must be of sufficient strength to restrain the dog and be appropriate to the breed, age, size, and weight of the dog, **and is The tether must be** attached to the dog by a properly applied collar, halter or harness configured so as to protect the dog from injury or entanglement with objects or other animals.

~~(33)~~ **(34)** Vicious Animal means any animal which is dangerously aggressive, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal.

~~(34)~~ **(35)** Vicious Dog means:

a. Any dog which, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;

b. Any dog with a known propensity, tendency, or disposition to attack; to cause injury; or to otherwise endanger the safety of human beings or animals; or

c. Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.

~~(35)~~ **(36)** Wild Animal means any animal of a species that in its natural life is wild, including those animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated, shall include but are not limited to:

a. Alligators and crocodiles.

b. Bears (ursidae). All bears, including grizzly bears, brown bears, black bears, etc.

c. Cat family (felidae). All members of the cat family except the commonly accepted domesticated cat, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.

d. Dog family (canidae). All members of the dog family except the domesticated dog, and including wolf, part wolf, fox, part fox, coyote, part coyote, etc.

e. Porcupine (erethizontidae).

f. Primate (hominidae). All subhuman primates.

g. Raccoon (prosyndidae). All raccoons, including eastern raccoons, desert raccoons, ring-tailed cats, etc.

h. Skunks.

i. Venomous fish and **all** piranha.

j. Venomous snakes and lizards.

k. Weasels (mustelidae). All members of the weasel family, including weasels, martins, wolverines, wild ferrets, badgers, otters, ermine, mink, mongoose, etc., except that persons raising animals of this family for their pelts, as a business, shall not be prohibited by this Title from possessing the animals.

23-2-102. POWERS OF ANIMAL CONTROL OFFICIALS.

(2) The Animal Control Administrator, assistants, law enforcement officers, and Animal Control Officers are hereby authorized and empowered to apprehend and impound any animal found in violation of this Title, including, but not limited to, **household** pets for which no license has been obtained in accordance with this Title.

23-5-110. UNLAWFUL TO HARBOR STRAY ANIMALS.

It shall be unlawful for any person, except an animal welfare society incorporated within the State of Utah under Section 76-9-302, Utah Code Annotated 1953, as amended, to harbor or keep any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Animal Control Division within 24 hours, and the Division shall impound the ~~dog~~ **animal** as herein provided.

23-6-106. ADOPTION OF DOMESTICATED ANIMALS.

(1) Any domesticated animal impounded or relinquished by its owner to the City may be made available to the public for adoption, at the discretion of the Animal Control Administrator. Adoptions shall meet the following minimum requirements:

d. The person desiring to adopt the animal shall complete an adoption questionnaire provided by the Animal Control Division, and shall be interviewed by a member of the Division regarding the adoption process and fees, responsible household pet owner practices, and Animal Control ordinances. The interview may include an inspection of the animal's proposed living area and conditions. The adoption may be refused if, based on the information supplied in the questionnaire and interview process, the Animal Control Administrator believes that the adoption would not be in the best interests of the adopting person or the animal.

Section 4. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this 15th day of April, 2014.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER